

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEYBANK NATIONAL ASSOCIATION,  
*successor in interest to Key Equipment  
Finance,*

Plaintiff,

-v.-

COMPLETE RADIOLOGY MANAGEMENT  
SOLUTIONS, LLC, MUSCULOSKELETAL  
IMAGING CONSULTANTS, LLC, PRIMO  
TELERADIOLOGY, PLLC, SALUBRIO,  
LLC, VIRTUAL VIEWBOX, INC., and  
DOUGLAS K. SMITH,

Defendants.

21 Civ. 3270 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On October 12, 2021, the Court stayed this case as against Defendant Douglas K. Smith pending the outcome of his bankruptcy proceedings in the Western District of Texas Bankruptcy Court, case number 21-50519-RBK. (Dkt. #34). On July 22, 2022, Plaintiff informed the Court that Defendant Smith's bankruptcy proceedings were terminated on February 11, 2022, and accordingly, that there is nothing to prevent the instant matter from proceeding against him. (Dkt. #41). That same day, the Court directed Plaintiff to serve the Summons and Complaint on Defendant Smith on or before July 29, 2022. (Dkt. #42).

On July 29, 2022, Plaintiff filed a letter informing the Court that it had attempted unsuccessfully to serve Defendant Smith and that Defendant Smith appears to be attempting to evade service. (Dkt. #43). On August 12, 2022,

Plaintiff filed an Affidavit of Due Diligence from its process server, indicating that the process server had attempted service on July 26, 2022; that a security guard called Defendant Smith; and that Defendant Smith reportedly informed the security guard that Defendant Smith “does not accept any legal deliveries at this residential address,” that he was “not home anyway,” and that “even if he was home[,] he would avoid service.” (Dkt. #44). Accordingly, Plaintiff is directed to file a Motion for Alternative Service on or before September 5, 2022.

SO ORDERED.

Dated: August 15, 2022  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge